

FILED

AUG 28 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID W. MARIANI,

Defendant - Appellant.

No. 04-30463

D.C. No. CR-99-00042-CCL

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Charles C. Lovell, District Judge, Presiding

Submitted August 21, 2006^{**}

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

David W. Mariani appeals from the sentence imposed upon revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Because Mariani failed to object to his sentence, we review for plain error. *See United States v. Garcia*, 323 F.3d 1161, 1165 (9th Cir. 2003). We affirm.

Mariani contends that, upon revocation of his supervised release, the district court erred by imposing a sentence “greater than necessary” to address his violations. We disagree.

Because the district court considered factors recommended by Chapter 7 of the Guidelines Manual and because we are convinced that the sentence was not unreasonable, there was no error. *See United States v. Plouffe*, 445 F.3d 1126, 1131 (9th Cir. 2006).

AFFIRMED.